

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Ronald E. Sauer,	)	File No. EB-03-DT-021
Licensee of Amateur Radio Station WE8E	)	NAL/Acct. No. 200332360006
Bedford Heights, Ohio	)	FRN: 0008-9043-36

**FORFEITURE ORDER**

**Adopted:** August 4, 2004

**Released:** August 6, 2004

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of four hundred dollars (\$400) to Ronald E. Sauer (“*Sauer*”), licensee of Amateur Radio Station WE8E, Bedford Heights, Ohio for his deliberate interference with Canadian amateur radio operations, transmission of music, and failure to transmit his assigned call sign, in willful and repeated violation of Sections 97.101(d), 97.113(a)(4) and 97.119(a) of the Commission’s Rules (“*Rules*”).<sup>1</sup>

2. On May 6, 2003, the Commission’s Detroit, Michigan Field Office released a *Notice of Apparent Liability for Forfeiture* (“*NAL*”).<sup>2</sup> The *NAL* found Sauer in apparent violation of the above Rules, and proposed a \$12,000 monetary forfeiture against Sauer (\$7,000 for causing interference, \$4,000 for transmitting unauthorized material, and \$1,000 for failing to transmit the call sign). In his May 15, 2003 response to the *NAL*, Sauer does not contest the *NAL*’s findings, but seeks cancellation of the proposed forfeiture based on his inability to pay. Sauer claims he is not employed, owns no real property, and exists on social security. In support, he submits his recent social security benefit statements.

3. After reviewing Sauer’s supporting financial documentation, we agree that he is unable to pay the proposed \$12,000 forfeiture. Consistent with precedent, we conclude that a reduction of the proposed forfeiture to \$400 is appropriate.<sup>3</sup> In so reducing the proposed forfeiture, we admonish Sauer for his deliberate, willful and repeated violations of the Part 97 of the Rules governing amateur radio

<sup>1</sup>47 C.F.R. §§ 97.101(d), 97.113(a)(4) and 97.119(a).

<sup>2</sup>*Ronald E. Sauer*, NAL/Acct. No. 200332360006 (Enf. Bur., Detroit, Michigan Office, released May 6, 2003).

<sup>3</sup>See *PJB Communications*, 7 FCC Rcd 2088, 2089 (1992) (forfeiture not deemed excessive where it represented approximately 2.02 percent of the violator’s gross revenues); *Local Long Distance, Inc.*, 15 FCC Rcd 24385, 24389 ¶ 11 (2000), *recon. denied*, 16 FCC Rcd 10023, 10025 ¶ 6 (2001) (forfeiture not deemed excessive where it represented approximately 7.9 percent of the violator’s gross revenues); *Hoosier Broadcasting Corporation*, 14 FCC Rcd 3356 (CIB 1999), *recon. denied*, 15 FCC Rcd 8640, 8641 (Enf. Bur. 2002) (forfeiture not deemed excessive where it represented approximately 7.6 percent of the violator’s gross revenues). In this case, the forfeiture represents a smaller percentage than those issued in the *Local Long Distance, Inc.*, and *Hoosier Broadcasting Corp.*, cases, but a higher percentage compared to the forfeiture issued in *PJB Communications of Virginia, Inc.*, given the deliberate, willful and repeated nature of Sauer’s violations.

operations, and caution Sauer that further violations may result in additional enforcement measures, including revocation of his license.<sup>4</sup>

4. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act, and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,<sup>5</sup> Ronald E. Sauer **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of four hundred dollars (\$400) for its deliberate, willful and repeated violations of Sections 97.101(d), 97.113(a)(4) and 97.119(a) of the Rules.

5. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.<sup>6</sup> Payment may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment must include the FCC Registration Number (FRN) and the NAL/Acct. No. referenced in the caption. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>7</sup>

6. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class and Certified Mail Return Receipt Requested to Ronald E. Sauer, 23260 Cannon Road, Bedford Heights, Ohio 44146.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon  
Chief, Enforcement Bureau

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<sup>4</sup>See 47 U.S.C. §§ 308(b) and 312(a)(2), (3).

<sup>5</sup>47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

<sup>6</sup>47 U.S.C. § 504(a).

<sup>7</sup>See 47 C.F.R. § 1.1914.

